PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Barni, Meghan M.
Serial Number:	10/775,466
Filing Date:	February 10, 2004
Art Unit:	3623
Examiner:	Jarrett, Scott L.
For:	**Method and computer system for schedule bidding**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF PAUL H. LEAMON

I, the undersigned, Paul H. Leamon, declare and state under 37 CFR 1.132 that:

1. I am the Director of Product Marketing for IEX Corporation, the assignee of this application. I have personal knowledge of the facts set forth in this declaration.

2. I have reviewed the Office action mailed June 2, 2008, including the various articles that the Examiner attached to the Office action concerning IEX, the TotalView product, and the Schedule Bidding feature.

3. The first article, titled "Workforce Optimization Takes Center Stage," is dated April 2003, and this article makes reference to IEX TotalView Version 3.5 and the schedule bidding feature. This is the version of the TotalView software that first implemented the subject matter of this patent application, and that software was released as Version 3.5.1 in April 2003. This release was after February 10, 2003, the date which is one (1) year prior to the filing date of the subject application. Moreover, the details of the article were derived from IEX, and the description of the scheduling bidding feature is a discussion about the subject matter disclosed and claimed in this application.

4. The second article, titled "IEX Enhances Award-Winning Workforce Management Solution" is a Business Wire press release that is dated July 31, 2001. This release is describing an earlier IEX version of the schedule bidding feature that was announced in this time frame (and released in beta in October 2001), but that is not the automated feature that is disclosed and claimed in the subject patent application. In this early version of the TotalView schedule bidding feature, agents did not use their computers or web-based interaction to perform the following subject matter, as recited in each independent claim of this application:

> "during a given time period, enabling each of a set of entities, irrespective of their seniority or ranking in the work environment, to use the client computer to identify a given schedule pattern set and to identify a set of one or more bids with respect to one or more schedules that are associated with that given schedule pattern set;"

Moreover, in the ~~prior system,~~ the TotalView software did not (following the manual sign-up) then assign agents to candidate schedules associated with a given schedule pattern set, because that determination was made already when the agents themselves signed up for their schedules. Thus, the following subject matter of each independent claim also was absent in the earlier version of the schedule bidding feature:

> "[assigning] the given set of the entities to one or more of candidate schedules that are associated with the given schedule pattern set."

5. Rather, in the version of the schedule bidding feature described in the July 31, 2001 article and that was available commercially at about the time, the TotalView system would create schedule patterns using average forecast staffing requirements over a selected time period. Created patterns were then "opened" to employees for bidding. This was not an automated process, and employees did not use their computers (or the Web) to bid on schedules. Rather, once the schedule patterns were finalized, a "common report" was printed by or otherwise made available by the system. This common report was just a report that contained a listing of all schedule patterns. Thereafter, each agent (in seniority or ranked order) elected which schedule he or she desired by writing in their name next to the desired schedule pattern. Thus, a higher seniority or ranked agent

selected his or her schedule first, and only then could lower ranked agents make their selections. Agents did not work with the common report concurrently. After all the agents (in ranked order) made their respective selections, a scheduling analyst would enter each agent's selection into the TotalView Workforce Management system. Once the agents were assigned to schedule patterns, the scheduling analyst would then create schedules for a given date range and agents would get the schedules they selected. This was a highly manual and inefficient process. This created several problems. Because each agent had to sign up in seniority or rank order, it often took a long time to accomplish the process because, if a given agent had a day off (on the day that the process was being carried out), the sign-up had to be delayed until that agent returned to work. Because it took so much time to do the bidding in this prior method, especially for contact centers with a large number of agents, the contact center did not have the ability to change schedules more frequently to better match the changing forecasted work volume. Moreover, because each agent had to go to an office or conference room to review all available schedules and select the one he or she wanted, that process took them away from their primary function of answering calls.

6. Bidding from the agent's desk (from the "client computer") as described in the subject application allowed the agents (regardless or seniority or ranking) to review the schedules and bid on them when time permitted, e.g., between calls. Because agents entered their bids into the system, there was no need to have a scheduling analyst add that data, and the Release 3.5.1 version also contained automation to process the bids and assign the schedules to the agents without manual selection, as also recited in the claims.

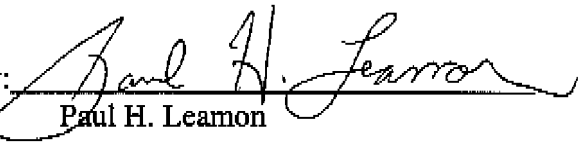
7. The schedule bidding feature in TotalView Release 3.5.1 addressed the inefficiencies in the prior system by allowing each agent - regardless of seniority or ranking - to use his or her client computer to identify the schedule pattern set and to identify a set of one or more bids with respect to one or more schedules. Because agents no longer had to bid in seniority or rank order, this new version allowed all agents to bid at the same time so that all bids could be done within a shorter time frame, as recited in the claims of the subject application. This enhanced schedule bidding function was not implemented in the TotalView release that was publicly available in 2001 (or in any TotalView release that was on sale or in public use prior to February 10, 2003). IEX

only released the enhanced schedule bidding version commercially in the TotalView product in April 2003, in Release 3.5.1.

8. The article titled "Out With The New, In With The Old: A Look At Scheduling Alternatives" by Brian Spraetz of IEX was dated November 2001. For the same reasons as set forth in paragraphs 4-7 above, this article describes only the early version of the TotalView schedule bidding feature, and not the enhanced feature disclosed and claimed in the subject patent application, which feature as noted above was not released by IEX until April 2003.

9. Likewise, the article titled "The Time Machine" by Joe Fleisher from Call Center Magazine is also describing only the early version of TotalView schedule bidding, and not the automated version that is described and claimed in the subject application. The TotalView product details in this article were derived from IEX.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

By: 
Paul H. Leamon